

September 12, 2008

**Update for the Release of Information for Communicable Disease
Investigations Rulemaking (9 A.A.C. Chapter 6, Article 1, R9-6-102)**

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The current R9-6-102 addresses the release of protected health information to the Department or a local health agency when the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability.

In investigating many types of communicable diseases, the Department or a local health agency may require information that is not protected health information. The Department has submitted a [Notice of Proposed Rulemaking](#) to amend R9-6-102. The proposed rule makes clear that the information that is required to be released to the Department or a local health agency when the Department or local health agency is investigating a communicable disease includes more than protected health information. For instance, in investigating a food-borne disease, the Department or a local health agency may require information from food suppliers or retail stores. In investigating a case of Legionnaire disease at a hotel, the Department or a local health agency may require information about the guests of the hotel at the time.

The Department is accepting public comment on this rulemaking until 4:00 pm on October 14, 2008. Stakeholders can communicate their issues and concerns to Ruthann Smejkal, Rules Analyst for the Department, by e-mail at smejkar@azdhs.gov, by phone at 602-364-1230, or by fax at 602-364-1150.